

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JIMI ROSE,
Plaintiff,

v.

NORMAN BAEHR, *et al.*,
Defendants.

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CIVIL ACTION NO. 19-CV-0346

ORDER

AND NOW, this 8th day of February, 2019, upon consideration of *pro se* Plaintiff Jimi Rose's Motion for Leave to Proceed *In Forma Pauperis* (ECF No. 1), Complaint (ECF No. 2), and Motion for Marshal Service (ECF No. 3), it is **ORDERED** that:

1. Leave to proceed *in forma pauperis* is **GRANTED**.
2. The Complaint is **DEEMED** filed.
3. The Complaint is **DISMISSED without prejudice** for failure to state a claim, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii), for the reasons set forth in the Court's Memorandum.

4. Rose is given leave to file an amended complaint within thirty (30) days of the date of this Order in the event that he can cure the defects identified in his initial Complaint. Any amended complaint must identify the defendants in the caption in addition to the body and shall state the basis for Rose's claims against each defendant. If Rose does not know the identity of any of the individuals responsible, he may refer to them as Jane or John Doe. **Rose should attach a copy of the complaint he filed in *Rose v. Baehr*, Docket No. 18 17580 (Berks Cty. Common Pleas)**, to his amended complaint. Upon the filing of an amended complaint, the Clerk of Court shall not make service until so **ORDERED** by the Court.

5. The Clerk of Court is **DIRECTED** to furnish Rose with a blank copy of this Court's current standard form to be used by a *pro se* litigant filing a civil action bearing the above-captioned civil action number. Rose may use this form to file his amended complaint.

6. Rose's Motion for Marshal Service (ECF No. 3) is **DENIED without prejudice** at this time.

7. If Rose fails to file an amended complaint, his case may be dismissed for failure to prosecute without further notice.

BY THE COURT:

/s/ Jeffrey L. Schmehl
JEFFREY L. SCHMEHL, J.